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OEA

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 384 (Sub-No. 2X)**

**Delta Southern Railroad, Inc. – Abandonment Exemption –  
in East Carroll Parish, La.**

**BACKGROUND**

In this proceeding, Delta Southern Railroad, Inc. (DSR) filed a notice of exemption with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 to abandon 8 miles of rail line extending from milepost 463.0, located approximately 200 feet west of U.S. Highway 65 North at or near Shelburn, to milepost 471.0, located approximately 75 feet east of U.S. Highway 65 South approximately 1 mile south of Lake Providence, in East Carroll Parish, La (Line). The Line traverses U.S. Postal Zip Code 71254. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA).

According to DSR, no rail traffic has moved over the Line for more than 2 years and there is no reasonable alternative to abandonment. If the Board should approve this proposed abandonment, DSR states that it would salvage the track materials and that the salvaged components would be sold for reuse, rerolling<sup>1</sup> or as scrap. Following salvage, DSR would sell or convey the rail right-of-way for railbanking or interim trail use. DSR notes that there are no title restrictions or reversionary interests that would preclude such a conveyance.

**ENVIRONMENTAL REVIEW**

DSR submitted an Environmental Report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. DSR served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>2</sup>

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<sup>1</sup> According to DSR, 'rerolling' is a process by which scrap metal materials are melted and reformed into new metal products.

<sup>2</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 384 (Sub-No. 2X).

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The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

As mentioned above, DSR states that no rail traffic has moved over the Line for more than 2 years. Therefore, if approved, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

### ***Salvage Activities***

If the Board approves proposed abandonment, DSR would salvage the track materials and sell the salvaged components for reuse, rerolling or as scrap while the right-of-way would be sold or conveyed for railbanking or interim trail use. If approved, DSR states that salvage would occur as follows:

Upon receipt of abandonment authority, the removal of material would be accomplished by use of the right-of-way for access, in conjunction with existing public and private at-grade crossings, with no new access roads being contemplated. DSR would not disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris would be transported from the Line and would not be placed or left in streams or wetlands or along the banks of such waterways. Moreover, DSR would implement appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

According to DSR, if the Board were to approve this proposed abandonment, public health and safety would be enhanced by the permanent closure of public and private at-grade crossings.

DSR believes that the proposed abandonment would be consistent with existing land use plans.

In a letter dated October 13, 2010, the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), states that the right-of-way is composed of soil types that are prime/unique farmland soils. In a follow-up email and phone call with OEA on November 29, 2010, NRCS explained that the proposed abandonment would be classified as an exempt action from the Farmland Protection Policy Act (FPPA). According to the NRCS, this proposed project would be considered an exempt action because: 1) the land has already been developed and 2) it involves activities within an existing right-of-way on property purchased on or before August 4,

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1984. Additionally, the NRCS also states that it does not believe that any adverse impacts to prime and unique farmland soils would occur if appropriate erosion control measures are taken.

According to DSR, it does not believe that the proposed abandonment would result in any adverse impacts to endangered or threatened species or areas designated as a critical habitat. Furthermore, DSR is not aware of any wildlife sanctuaries or refuges, national or state parks or forests that would be adversely affected.

In a letter dated October 29, 2010, the Louisiana Department of Natural Resources, Office of Coastal Management states that the proposed abandonment falls outside of the Coastal Zone and therefore a Coastal Zone Consistency determination is not required.

In an email dated November 18, 2010, the Louisiana Department of Environmental Quality, Business and Community Outreach Division (LDEQ) stated that it had no objections to the project as proposed. The LDEQ included a list of general comments, many of which are not specific to actions associated with railroad abandonment activities. However, for those activities that may occur if the proposed abandonment is approved, OEA will recommend a condition to the Board requiring DSR to consult with the LDEQ Water Permits Division (225-219-3181) and the LDEQ Solid and Hazardous Waste Division (225-219-3640) regarding salvaging and abandonment procedures prior to the commencement of any salvage activities.

DSR states that, if approved, it believes that the abandonment would be consistent with all water quality standards and that no permits under Sections 402 or 404 of the Clean Water Act would be required since salvage activities would not disturb any of the underlying roadbed or cause sedimentation or erosion of the soil, or involve any dredging or use of fill in the removal of the track material.

In an email dated November 4, 2010, the National Geodetic Survey states that there are 6 survey markers in the area of the proposed abandonment. Accordingly, OEA will recommend a condition to the Board requiring DSR to consult with the NGS and to notify NGS at least 90 days prior to beginning salvage activities that may disturb or destroy the 6 geodetic station markers.

Based on all information available to date, OEA does not believe that abandonment activities would cause significant environmental impacts.

## **HISTORIC REVIEW**

In its Historic Report, DSR states that right-of-way is approximately 100 feet wide and passes through an area that is rural in nature. DSR states that there are three bridges of timber construction that are 50 years old or older located on the Line. According to DSR, the exact construction dates of the bridges are unknown, but have been estimated as follows: 1) the bridge located at milepost 463.9 was constructed in 1927; b) the bridge located at milepost 465.7 was constructed in 1927; and c) the bridge located at milepost 468.9 was constructed in 1940.

According to DSR, the Line was constructed by the St. Louis, Iron Mountain & Southern Railroad, which began operation on December 1, 1903. Ownership passed into the hands of the Missouri Pacific Railroad Company (MP) in 1917. MP merged with Union Pacific Railroad (UP) in 1992 who in turn sold the rail line to DSR in January 1989.

In 1879, Jason Gould began to purchase and construct railroads in the Midwest by gaining control of 4 western railroads, including the UP and the MP. By 1880, Mr. Gould was in control of more than 10,000 miles of railway and by 1882, he had controlling interest in 15% of all the rail lines in the United States. In 1883, Mr. Gould withdrew from management of UP amidst political controversy over its debts to the federal government, realizing a large profit for himself. Mr. Gould died of tuberculosis on July 1, 1892.

It is also interesting to note that the St. Louis, Iron Mountain & Southern Railroad was twice robbed, once by the James-Younger Gang on January 31, 1874 at Gad's Hill, Mo, and once by the Dalton Gang on November 3, 1893, at Olyphant, Ar.

DSR served the Historic Report on the Louisiana Office of Cultural Development, Division of Historic Preservation (SHPO), pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO, in a letter dated October 25, 2010, has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.<sup>3</sup> The database indicated that there are no federally-recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment.

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<sup>3</sup> Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited November 29, 2010).

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## **CONDITIONS**

We recommend that the following 2 conditions be imposed on any decision granting abandonment authority:

1. **Delta Southern Railroad, Inc., shall consult with Louisiana Department of Environmental Quality Water Permits Section and the Solid and Hazardous Waste Division regarding salvaging and abandonment procedures prior to commencement of any salvage activities.**
2. **Delta Southern Railroad, Inc., shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy the 6 geodetic station markers.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

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DSR states that the right-of-way may be suitable for other public purposes such as railbanking and interim trail use. According to DSR, there are no restrictions on the title to the right-of-way, including any reversionary interest.

### **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

### **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 384 (Sub-No. 2X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at [Troy.Brady@stb.dot.gov](mailto:Troy.Brady@stb.dot.gov).

Date made available to the public: December 3, 2010.

**Comment due date: December 17, 2010.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment

RAND McNALLY  
HANDY RAILROAD MAP  
Louisiana  
Copyright by Rand McNally & Company  
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AB 384 (Sub-No 2x)  
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Appendix 1

